

REMARKS/ARGUMENTS

The Office Action of December 19, 2005, has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Claims 1-4, 7, 11-14 and 17 have been amended to further clarify the various embodiments of the present invention. No new matter has been entered. Claims 1-20 remain pending.

Priority

The specification has been amended to include reference to the prior provisional application. As reference to the prior application was previously submitted in the declaration of the application filed with the filing of the instant patent application and the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, a petition under 37 CFR 1.78(a) is not required.

Claim Rejections under 35 U.S.C. § 112, first paragraph

The phrase “one or more placement options” has been replaced. The phrase “receivable ratings” is described in the specification under paragraph [0026]. In addition, the claims now recite “wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables.” Based on the support in the specification and the clarifying amendments, it is believed that the phrase “receivable ratings” is clearly described in the specification.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-20 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,233,566 to Levine (“Levine”) in view of U.S. Patent No. 6,598,026 to Ohja (“Ohja”).

Levine appears to be directed to a system for online financial products trading. More specifically, the system of Levine provides a centralized exchange system for the trading of loans (Abstract). The system of Levin appears to be directed to buying and selling loans. Contrary to the Office Action, Levin does not involve any collections services. Ohja appears to provide a method and system for facilitating a transaction between a buyer and seller through a bidding process involving offers and counteroffers (Abstract).

Levine and Ohja, alone or in combination, fail to disclose the combination of amended claim limitations. More specifically, neither reference discloses a method for providing an online collections services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of subscribing with an online collections services system wherein a Client inputs profile data and *wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party*; providing information related to the receivables for collection through the online collections services system, *wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables*; enabling the Client to select one of a plurality of options *wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider*

based on search criteria; selecting the single Provider identified by the selected option to collect the receivables.

Levine and Ohja, alone or in combination, further fail to disclose or suggest a method for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising the steps of subscribing with an online collections services system wherein a Provider inputs Provider data *wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party;* viewing one or more receivable ratings associated with one or more Clients, *wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables;* providing a Client selection process *wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria;* and responding to a Client selection for collecting the receivables.

The Office Action admits the deficiencies of Levine. More specifically, the Office Action admits that Levine does not disclose "selecting a service provider based on a rating." See

page 7, Office Action mailed 12/19/05. The Office Action summarily concludes that it would have been obvious to combine the disclosures of Levine and Ohja “to assure the user that the transaction will be satisfactory.” *Id.* The Office Action has failed to provide a proper statement of motivation for combining these two disparate references and has improperly ignored claim limitations. Further, the alleged statement of motivation is based on improper hindsight.

More specifically, the Office Action has failed to identify where in Ohja such a teaching for selecting a provider based on a rating is provided and how that this alleged teaching would even apply in Levine’s system. The only rating that Ohja discloses is the number of non-binding bids honored by a buyer, as a portion of the total number of non-binding bids submitted by the Buyer and accepted by the Seller. In other words, the Ohja rating system is the percentage of times a buyer honored his non-binding bid and completed the transaction, with higher percentages representing a more-favorable “reputation.” There is no disclose or suggestion in Ohja that meets the claim limitation reciting “*wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables*” or “*wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables,*” as recited by the independent claims 1, 7, 11, and 17.

The Office Action has failed to set forth a *prima facie* case of obviousness for the independent claims. Specifically, when a primary reference is missing elements, the law of

obviousness requires that the Office set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000). In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention.

In the present case, the Office Action's justification for combining Levine and Ohja has absolutely nothing to do with the deficiencies of Levine. As admitted by the Office Action, Levine fails to show at least "selecting a service provider based on a rating." To properly modify Levine to correct for this deficiency as well as the amended claim limitations, the Office Action has the burden to show some motivation why providing those elements would have overcome some perceived problem with Levine. Any such motivation is completely lacking.

Accordingly, the Office Action has failed to provide any proper motivation for modifying Levine and Ohja, so the proposed modification fails. In fact, Levine and Ohja are improperly combined and lack proper motivation. Even if the combination of Levine and Ohja could be modified as suggested by the Office Action, the resulting combination would nevertheless fail to show each and every limitation claimed by Applicants.

The mere fact that Levine and Ohja can be somehow combined and modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See* M.P.E.P § 2143.01; *see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior

art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As the remaining dependent claims encompass the limitations of independent claims, these claims should be allowed for at least the reasons stated above.

CONCLUSION


In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: March 20, 2006

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